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DEPT PLEASE PASS TO NEA/ARP FOR RJACHIM/SRAMESH AND  
DRL/NESCA FOR JLIEBERMAN

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TAGS: [PHUM](#) [PGOV](#) [SA](#)  
SUBJECT: OBSTACLES TO JUDICIAL REFORM

REF: RIYADH 002528

Classified By: Charge D'Affaires Michael Gfoeller for reasons  
1.4 (b) and (d).

11. (C) SUMMARY: According to recent media reports, the Judicial reform announced by Saudi King Abdullah al-Aziz in October, 2007 may take a few years. Even though the changes represent a significant shift for the Kingdom,s justice system, the country faces a huge challenge in the face of conservative values entrenched within Sharia Law. Also according to recent editorials, many of the problems that exist in regards to the current judicial system are both qualitative and quantitative. Muslim scholars believe more drastic measures need to be taken to achieve successful reforms. END SUMMARY.

#### REFORMING THE JUDICIAL PROCESS

12. (C) Last October, King Abdullah issued a Royal decree to overhaul the Kingdom,s judicial system, including allocating seven billion SAR (approximately 1.9 billion USD) to train judges and build new courts (reftel). The new laws replace regulations in effect for more than 30 years for the judicial laws and 25 years for the Board of Grievances. Planned changes include establishing special criminal courts and family courts along with courts for issues related to traffic, the economy, business, and sports.

13. (U) Currently, justice in the Kingdom is administered by a system of religious courts, which rely heavily on the interpretation of Sharia law. Justice is not always done in a consistent manner, because of the leeway that individual judges often enjoy to set sentences. Judges -- appointed by the king on the recommendation of the Supreme Judicial Council -- have complete discretion to set sentences, except in cases where Sharia outlines a punishment, such as capital crimes. Therefore, no two judges would likely hand down the same sentence for similar crimes.

14. (U) According to Arab News, the judicial system has often been criticized for its failure to administer justice, largely due to inadequate legal procedures, red tape and rigid interpretation of Sharia law by some of the appointed judges. In fact, early media reports after the King,s announcement state that Saudi officials and lawyers believe the new body of laws would revolutionize the kingdom,s justice system and likely improve the human rights situation. However, according to recent editorials, Muslim scholars believe that additional measures need to be taken to achieve successful reforms. "To reform the judiciary, we need to reform the Sharia colleges first and upgrade the level of these institutions," said Dr. Tarek Al-Suwaidean, a prominent Muslim scholar. He added, "There should be more advanced curriculum, and the teaching standards should be enhanced." Institutions are criticized because of the poor quality of education and poor academic standards. Students who enroll

in these colleges are usually the ones who graduate from school with poor or average grades. Furthermore, their studies are usually confined to subjects related to Islamic Jurisprudence.

¶5. (U) Dr. Muhammed al-Eisia, Deputy President of the Grievance Board, expressed his enthusiasm for the recent reforms in a November 24 meeting with PolOffs. In his opinion, the new reforms will strengthen the concept of an independent judiciary. However, the inadequacy of current judges and their lack of knowledge is the cause of many grievances. According to Arab News, it is incumbent upon the keepers of Sharia law to ensure the relevance of its interpretation of its interpretation in the daily lives of millions of Islam today. The biggest challenge facing the Kingdom is managing change in a country where the prevailing social dynamic -- a fast-growing young population, rapid urbanization and massive inflows of liquidity -- is coming face to face with the conservative values within Saudi society.

¶6. (C) COMMENT: Overhauling the judicial system is one of the primary ways of any society to achieve progress and modernization. However, Saudi society changes slowly, and the judicial system, as per these mainstream media reports, is no different. While King Abdullah's nascent plans for judicial reform appear to be in the best interests of the system, it will take much more awareness, training, and public involvement before any major overhauls can be successful. END COMMENT  
GFOELLER